

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

DARYL RICHARDSON,

Defendant.

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ROSLYNN R. MAUSKOPF, United States District Judge.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**
17-CV-2982 (RRM) (CLP)

The United States of America (the “Government”) commenced this action to recoup \$38,281.82 from defendant Daryl Richardson, for the amount he was overpaid in Social Security benefits. (Compl. (Doc. No. 1).) The Summons and Complaint were served by personal service on Richardson’s mother at his address and by first class mail. (Summons Returned Executed (Doc. No. 7).) Richardson did not answer or otherwise respond to the Complaint. The Clerk entered default, and the Government moved for default judgment. (Entry of Default (Doc. No. 10); Mot. for Default J. (Doc. No. 12).) The Court referred the motion to the Honorable Magistrate Judge Cheryl L. Pollak. (10/10/2017 Order.) Judge Pollak ordered all parties to appear for an inquest hearing on January 11, 2018, at which Richardson did not appear. (Order (Doc. No. 14); Order (Doc. No. 16).)

Judge Pollak issued a Report and Recommendation (“R&R”) recommending that a default judgment in the amount of \$38,281.82 be entered in favor of the Government. (R&R (Doc. No. 18).) A copy of the R&R was mailed to Richardson the next day. (Aff. of Service (Doc. No. 19).) In her R&R, Judge Pollak reminded the parties that, pursuant to Federal Rule of Civil Procedure (“Rule”) 72, any objections to the R&R must be filed within 14 days of receipt of the R&R. (R&R at 8.) The deadline to file objections has passed, and neither party has filed

any objection.

Pursuant to 28 U.S.C. § 636(b) and Rule 72, this Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

CONCLUSION

Accordingly, the Government's motion for default judgment is granted, and it is hereby ordered that judgment be entered against Richardson in the amount of \$38,281.82.

The Clerk of Court is respectfully directed to enter judgment and close this case. The Government is directed to mail a copy of this Memorandum and Order and the accompanying judgment to defendant Daryl Richardson and file a declaration of service on the docket within one week of the date of this Order.

SO ORDERED.

Dated: Brooklyn, New York

Aug 24 2018

s/Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge